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7 IN THE UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9 ALEJANDRO GONZALEZ, JR. ,

Case No.: 4:16-cv-05310-KAW

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL,  
13 Acting Commissioner of Social Security,

14 Defendant.

15  
16 STIPULATION AND ~~PROPOSED~~ ORDER  
17 FOR THE AWARD OF ATTORNEY FEES  
18 PURSUANT TO THE EQUAL ACCESS TO  
19 JUSTICE ACT, 28 U.S.C. § 2412(d)

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
21 counsel, subject to the approval of the Court, that Alejandro Gonzalez, Jr. (Plaintiff) be awarded  
22 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of  
23 Seven Thousand Dollars (\$7,000.00). This amount represents compensation for all legal services  
24 incurred on behalf of Plaintiff by counsel in connection with this civil action.

25 Upon the Court's issuance of an order granting EAJA fees to Plaintiff, the government will  
26 determine the issue of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue  
v. Ratliff, 560 U.S. 586, 597-598 (2010), the ability to honor the assignment will depend on if the  
fees are subject to any offset allowed under the United States Department of the Treasury's Offset  
Program. After the order for EAJA fees is entered, the government will determine whether they are  
subject to any offset.

27 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
28 that Plaintiff does not owe a federal debt, then the government will cause the payment of fees to be

1 made directly to Plaintiff's attorney, LAW OFFICE OF JARED T. WALKER, P.C., pursuant to the  
2 assignment executed by Plaintiff. Any payments made to Plaintiff will be delivered to JARED T.  
3 WALKER.

4 This stipulation constitutes a settlement of Plaintiff's request for EAJA attorney fees and  
5 does not constitute an admission of liability on the part of defendant under the EAJA or otherwise.  
6 Payment of the agreed amount will constitute a complete release from, and bar to, any and all claims  
7 that Plaintiff and/or Plaintiff's attorney, including LAW OFFICE OF JARED T. WALKER, P.C.,  
8 may have relating to EAJA attorney fees in connection with this action.

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
10 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

11 Dated: June 7, 2018

Respectfully submitted,

12 /s/ Jared Walker  
13 JARED T. WALKER,  
14 Attorney for Plaintiff

SO STIPULATED:

ALEX G. TSE  
Acting United States Attorney

Dated: June 8, 2018

By: /s/ \*Tina L. Naicker  
TINA L. NAICKER  
(\*signature authorized by e-mail on )  
Special Assistant United States Attorney  
Attorney for Defendant

**ORDER**

Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access  
to Justice Act (EAJA),

IT IS ORDERED that EAJA fees are awarded to plaintiff in the amount of Seven Thousand  
Dollars (\$7,000.00) subject to, and in accordance with, the terms of the parties' foregoing  
Stipulation.

Dated: 6/12/18

  
\_\_\_\_\_  
Hon. KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE